

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Mary J. Harter
Debtor(s)

Bankruptcy Case No.: 19-10433-TPA
Per July 30, 2019 Proceeding
Chapter: 13
Docket No.: 26 - 19
Concil. Conf.: 12/3/19 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 12/3/19 at 11:30 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: July 31, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Mary J. Harter
 Debtor

Case No. 19-10433-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 39

Date Rcvd: Jul 31, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2019.

db
 15042247 +Mary J. Harter, PO Box 69, Waterford, PA 16441-0069
 15042272 Best Buy/cbna, PO Box 9001007, Louisville, KY 40290-1007
 15083315 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 15042250 +Citibank/The Home Depot, PO Box 6497, Sioux Falls, SD 57117-6497
 15042251 +Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, PO Box 790034,
 St Louis, MO 63179-0034
 15042274 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, Attn: Bankruptcy Dept, Po Box 8026,
 Cedar Rapids, IA 52409)
 15042271 +Target, PO Box 673, Minneapolis, MN 55440-0673
 15042272 +Target, Attn: Bankruptcy, PO Box 9475, Minneapolis, MN 55440-9475
 15042273 +Toyota Financial Services, PO Box 9786, Cedar Rapids, IA 52409-0004
 15055508 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 15042275 +UPMC, c/o Receivables Outsourcing, LLC, PO Box 549, Lutherville Timonium, MD 21094-0549
 15077222 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 01 2019 03:31:47
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15042249 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 01 2019 03:32:24 Capital One / Furnit,
 Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 15042248 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 01 2019 03:31:04 Capital One / Furnit,
 PO Box 30253, Salt Lake City, UT 84130-0253
 15042253 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:55 Comenity Bank/Peebles,
 Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 15042252 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:55 Comenity Bank/Peebles,
 PO Box 182789, Columbus, OH 43218-2789
 15042255 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:55
 Comenity Bank/Victoria Secret, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 15042254 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:55
 Comenity Bank/Victoria Secret, PO Box 182789, Columbus, OH 43218-2789
 15042257 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:56 ComenityCapital/Bosco,
 Attn: Bankruptcy Dept, PO Box 182125, Columbus, OH 43218-2125
 15042256 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 01 2019 03:24:56 ComenityCapital/Bosco,
 PO Box 182120, Columbus, OH 43218-2120
 15042258 E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Dicks Sporting Goods,
 c/o Synchrony Bank, PO Box 530916, Atlanta, GA 30353-0916
 15042259 +E-mail/Text: bankruptcy@huntington.com Aug 01 2019 03:25:33 Huntington, PO Box 1558,
 Columbus, OH 43216-1558
 15042260 +E-mail/Text: bankruptcy@huntington.com Aug 01 2019 03:25:33 Huntington, Attn: Bankruptcy,
 3 Cascade Plaza, Akron, OH 44308-1124
 15055886 E-mail/PDF: cbp@onemainfinancial.com Aug 01 2019 03:31:32 ONEMAIN, P.O. BOX 3251,
 EVANSVILLE, IN 47731-3251
 15042262 +E-mail/PDF: cbp@onemainfinancial.com Aug 01 2019 03:32:15 OneMain Financial,
 Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013
 15042261 +E-mail/PDF: cbp@onemainfinancial.com Aug 01 2019 03:32:14 OneMain Financial, PO Box 1010,
 Evansville, IN 47706-1010
 15082279 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 01 2019 03:54:31
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15082519 E-mail/Text: bnc-quantum@quantum3group.com Aug 01 2019 03:25:02
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 15043399 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:59 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15042264 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Synchrony Bank/ JC Penneys,
 Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001
 15042263 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:31:37 Synchrony Bank/ JC Penneys,
 PO Box 965007, Orlando, FL 32896-5007
 15042266 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Synchrony Bank/Care Credit,
 Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 15042265 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:59 Synchrony Bank/Care Credit,
 P.O. Box 965005, Orlando, FL 32896-5005
 15042268 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Synchrony Bank/Lowes,
 Attn: Bankruptcy, PO Box 965060, Orlando, FL 32896-5060
 15042267 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Synchrony Bank/Lowes,
 PO Box 965005, Orlando, FL 32896-0001
 15042270 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:30:58 Synchrony Bank/Walmart,
 Attn: Bankruptcy, PO Box 965060, Orlando, FL 32896-5060
 15042269 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2019 03:31:37 Synchrony Bank/Walmart,
 PO Box 965024, Orlando, FL 32896-5024
 15049585 +E-mail/Text: bankruptcy@huntington.com Aug 01 2019 03:25:33 The Huntington National Bank,
 PO BOX 89424, Cleveland, OH 44101-6424

TOTAL: 27

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 39

Date Rcvd: Jul 31, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 31, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Kenneth M. Steinberg on behalf of Debtor Mary J. Harter julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4